

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claim 5-8, 10, 11, 15 and 17 is currently being cancelled.

Claims 1 and 12 are currently being amended.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1-4, 9, 12-14 and 16 are now pending in this application.

**Request for Entry of After-final Amendment and Reply:**

It is respectfully requested that this after-final amendment and reply be considered and entered, since: a) it does not raise any new issues with respect to claim amendments, and b) it lessens the number of potential issues for appeal by canceling certain claims.

**Claim Rejections – 35 U.S.C. § 112, 1<sup>st</sup> Paragraph:**

In the Office Action, claims 12 and 17 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, as failing to comply with the written description requirement, for the reasons set forth on pages 2 and 3 of the Office Action. With respect to claim 12, that claim has been amended to overcome this rejection. In particular, the phrase “irrespective as to whether or not the advertisement valid time period has expired or will expire” has been removed from claim 12.

With respect to claim 17, whereby those features are now incorporated into its base claim 1, Applicant respectfully traverses this rejection.

Paragraphs 0340 and 0341 of the specification states that:

*[0340] Schedule input/output means 107 has limited display region space. For this and other reasons, advertisements that are better suited to the user are*

selected from the advertisements that have been registered in user advertisement database 113, and these selected advertisements are displayed.

To implement this operation, advertisement scheduling means 114 calculates the display priority for each record in the user advertisement list. Display priority is calculated as follows.

$$[\text{Display priority}] = [\text{value of ninth column (T809)}] + [\text{value of tenth column (T810)}] + [\text{value of eleventh column (T811)}] - [\text{value of thirteenth column (T813)}]$$

[0341] This formula has been designed so that the more fully an advertisement satisfies the three conditions listed in "(4-2) The phase of sending advertisements to users" (these three conditions being checked in step S50601), the more suited to the noted user that advertisement is judged to be, and the more preferentially it is displayed to the user. The formula is also designed so that, in order to ensure that more types of advertisement are displayed to the user, the less frequently an advertisement is displayed to a user, the greater the priority that is given to its display. Note, however, that this formula is only one example, and that it is also acceptable to calculate display priority by for example applying appropriate weightings to the various terms of the formula. (emphasis added)

As is clear from the above description in the specification, only selected advertisements are displayed on a display having a limited display space, whereby this selection is done based on the priority of each advertisement. This corresponds to the features recited in claim 17. In other words, claim 17 describes features whereby when the display area of a number of advertisements to be displayed is greater than an actual display area, the system decides which of those advertisements to actually display in the display area, based on the priority level determined for those advertisements. The lower-priority advertisements may not be displayed, if there are a sufficient number of higher-priority advertisements that already fill up the display area.

Thus, presently pending independent claim 1 (which includes the features of now-canceled claim 17) fully complies with 35 U.S.C. § 112, 1<sup>st</sup> Paragraph.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1, 2, 4, 5 and 8-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,848,396 to Gerace in view of U.S. Patent No. 5,974,210 to Goldhaber or in view of U.S. Patent Publication No. 2002/0032609 to Wilkman; claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerace in view of Goldhaber in view of Wilkman or Gerace in view of Wilkman; and claims 3, 6, 7 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerace in view of Goldhaber or Wilkman and further in view of U.S. Patent Publication No. 2005/0192008 to Desai. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 recites advertisement priority determination means for determining, when a number of advertisements that meet the interest of the user exceeds a size of a display area of the advertisement presentation means, a priority for each the advertisements and for displaying the advertisements of highest priority within the display area and not displaying the advertisements of lower priority that cannot be displayed in the display area with the advertisements of highest priority due to space limitations.

In its rejection of claim 17, whereby those features are now incorporated into claim 1, the Office Action asserts that column 14, line 65 to column 15, line 10 of Gerace teaches those features. Applicant respectfully disagrees. In particular, that portion of Gerace describes that a main routine selects and includes advertisements on a newly assembled page/screen view at server 27, whereby the advertisements are determined to be appropriate for the user and the appropriate advertisements are ranked. There is no teaching or suggestion in this portion of Gerace as to displaying the advertisements of highest priority within the display area and not displaying the advertisements of lower priority that cannot be displayed in the display area with the advertisements of highest priority due to space limitations. Rather, it appears that all of the advertisements are displayed in the system of Gerace, based on the ranked order of those advertisements.

Accordingly, presently pending independent claim 1 is patentable over the cited art of record (since the other cited art of record does not rectify the above-mentioned deficiencies of Gerace).

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 22, 2007

By Phillip J. Articola

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

George C. Beck  
Registration No. 38,072

Phillip J. Articola  
Registration No. 38,819